

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED

AUG 18 2005

[Signature]
CLERK

UNITED STATES OF AMERICA,

CR 04-30003

Plaintiff,

-vs-

AMENDED ORDER

IONE FOGG,

Defendant.

The Eighth Circuit Court of Appeals remanded this case for reconsideration of the amount of restitution ordered. Counsel for the government and counsel for the defendant have reviewed the matter and have agreed that the appropriate amount of restitution, in light of the Court of Appeals' opinion, is \$1,036.00. This amount includes \$189.00 to be paid to the Hunkpati Store, \$414.20 to be paid to Shelby's Convenience Store, and \$432.80 to be paid to **Ethel** Miller's estate. The Court agrees that this is the correct amount of restitution. Accordingly,

IT IS ORDERED:

(1) The defendant is ordered to pay restitution in the amount of \$1,036.00, with \$189.00 to be paid to the Hunkpati Store, \$414.20 to be paid to Shelby's Convenience Store, and \$432.80 to be paid to **Ethel** Miller's estate. The judgment entered against the defendant should be amended accordingly.

(2) The video conference hearing set for September 30, 2005, at 1:00 o'clock P.M. is cancelled.

Dated this 18th day of August, 2005.

BY THE COURT:

[Signature: Charles B. Kornmann]
CHARLES B. KORNMANN
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: *[Signature]*

DEPUTY

(SEAL)